

1. A clear and concise summary of any revisions, deletions or additions; and

2. A detailed explanation of the changes being proposed and their anticipated effect on the compliance of the casino licensee or applicant with the requirements of the Act and this chapter, which explanation shall include supporting data or documentation when available.

Amended by R.1996 d.33, effective January 16, 1996.

See: 27 N.J.R. 3924(b), 28 N.J.R. 284(a).

Amended by R.1997 d.112, effective March 3, 1997.

See: 28 N.J.R. 5169(b), 29 N.J.R. 795(a).

In (b)2, deleted "annual" preceding "EEBOP assessment hearing"

19:53-6.8 EEBOP assessment hearing; demonstration of compliance through documentation of EEBOP implementation

(a) Each casino licensee or applicant shall be required to demonstrate its compliance with the requirements of the Act and this chapter by participating in periodic assessment hearings concerning its performance under its approved EEBOP.

(b) An EEBOP assessment hearing for a casino licensee shall be scheduled as part of each casino license renewal hearing. If a casino licensee is operating under a casino license that has a term of more than two years, the casino licensee shall also be required to participate in an interim EEBOP assessment hearing as follows:

1. If the casino licensee is operating under a casino license with a four year license term, an interim EEBOP assessment hearing shall be held on the second anniversary date of the casino license renewal hearing; or

2. If the casino licensee is operating under a casino license with a term of more than two years but less than four years, an interim EEBOP assessment hearing shall be scheduled by the Commission at the time of casino license renewal.

(c) EEBOP assessment hearings for a casino license applicant shall occur on a schedule to be set by the Commission, which schedule shall be based on the anticipated date of the initial casino licensure hearing of the applicant or, if a casino hotel is being built or renovated, the opening of the casino.

(d) Sixty days prior to the scheduled date of a casino license hearing or an interim EEBOP assessment hearing, the casino licensee or applicant shall submit a self-assessment of its performance under its approved EEBOP during the assessment period, including, as applicable and without limitation, the following:

1. An internal review and evaluation of each of the areas of the EEBOP where objectives were not achieved, including documentation of specific transactions or programs which were included in the EEBOP as a means to attain these objectives;

2. An analysis by the casino licensee or applicant as to why the particular objectives were not achieved;

3. An internal review and evaluation of each programmatic portion of its approved EEBOP as to which the Commission has directed an assessment; and

4. Modifications to the approved EEBOP proposed by the casino licensee or applicant as a means to improve its performance in deficient areas during the next EEBOP assessment period.

(e) Upon completion of an EEBOP assessment hearing for a casino licensee or applicant, the Commission may find that the casino licensee or applicant has complied with the obligations of the Act and this chapter if:

1. The casino licensee or applicant did implement and comply with the terms of its approved EEBOP during the assessment period; or

2. The casino licensee or applicant has in fact made good faith efforts to comply with its approved EEBOP and its failure to do so was based on occurrences which were beyond the control of the casino licensee or applicant.

(f) If, upon completion of an EEBOP assessment hearing, the Commission determines that a casino licensee or applicant has failed to comply with the requirements of the Act, this chapter or its approved EEBOP, the Commission may impose one or more of the sanctions authorized by N.J.A.C. 19:53-6.11.

Amended by R.1996 d.33, effective January 16, 1996.

See: 27 N.J.R. 3924(b), 28 N.J.R. 284(a).

Amended by R.1997 d.112, effective March 3, 1997.

See: 28 N.J.R. 5169(b), 29 N.J.R. 795(a).

EEBOP hearings previously referenced as annual hearings; deadlines amended throughout; and added (b)1 and 2.

Amended by R.2002 d.186, effective June 17, 2002.

See: 34 N.J.R. 381(a), 34 N.J.R. 2145(a).

Rewrote the section.

19:53-6.9 Special EEBOP reviews and hearings

(a) Notwithstanding any other provision of this chapter, the Commission may require a casino licensee or applicant to conduct a self assessment of all or any part of its approved EEBOP whenever the Commission has cause to question whether the EEBOP or the implementation of the EEBOP by the casino licensee or applicant is likely to achieve compliance with the obligations imposed by the Act and this chapter.

(b) Any casino licensee or applicant which is notified that a special review of its EEBOP shall be conducted pursuant to this section shall supply whatever documentation or reports are requested by the Commission. A special hearing on the EEBOP of the casino licensee or applicant may be ordered by the Commission at any time and shall be conducted under such terms and conditions as the Commission may direct. The sole purpose of such hearing shall be

to determine whether the casino licensee or applicant should be required to make immediate modifications to its EEBOP consistent with the purposes of the Act and this chapter.

19:53-6.10 On-site monitoring and inspections

A representative of the Commission and a representative of the Division shall be entitled to enter the casino hotel, casino, casino simulcasting facility or any related facilities of a casino licensee or applicant for the purposes of determining whether the licensee or applicant is complying with the Act, this chapter and its approved EEBOP. In making such a determination, the Commission or Division shall be entitled to inspect or copy any relevant books or records.

19:53-6.11 Sanctions

(a) If the Commission determines that a casino licensee or applicant is in violation of any applicable provision of the Act, this chapter or its approved EEBOP, the Commission, as appropriate, may:

1. Impose penalties in accordance with N.J.S.A. 5:12-129;
2. Deny, suspend or revoke or refuse to renew the casino license;

3. Enter a cease and desist order which specifies the practice or contract to be discounted or altered by the casino licensee or applicant;

4. Issue public letters of reprimand or censure to be made a permanent part of the file of the casino licensee or applicant;

5. Assess appropriate civil penalties as allowed by the Act;

6. Refer to the Attorney General or his or her designee circumstances which may constitute violation of the "Law Against Discrimination," N.J.S.A. 10:5-1 et seq.;

7. Enforce in a court of law the applicable provisions of the Act, or join in or assist any enforcement proceeding initiated by an aggrieved person;

8. Impose license conditions; and

9. Take any other action authorized or permitted by the Act.

19:53-6.12 (Reserved)

Amended by R.1995 d.310, effective June 19, 1995.

See: 27 N.J.R. 1373(a), 27 N.J.R. 2462(a).

Deleted a provision governing provisionally certified MBEs and WBEs.

Repealed by R.2002 d.186, effective June 17, 2002.

See: 34 N.J.R. 381(a), 34 N.J.R. 2145(a).

Section was "Waiver of reporting requirements for casino licensees".